

REMARKS**I. General**

Claims 1-39 are pending in the present application and are rejected in the current Office Action (mailed January 20, 2004). The outstanding issues in the current Office Action are:

- Claims 1, 10, 11, 13-18, and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by published U.S. Patent Application No. 2002/0083343 issued to Crossbie et al. (hereinafter "*Crossbie*");
- Claims 2-9, 19-36, and 38-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Crossbie* in view of U.S. Patent No. 6,347,374 issued to Drake et al. (hereinafter "*Drake*"); and
- Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Crossbie* in view of *Drake* and further in view of U.S. Patent No. 6,253,337 issued to Maloney et al. (hereinafter "*Maloney*").

In response, Applicant respectfully traverses the outstanding claim rejections, and requests reconsideration and withdrawal thereof in light of the remarks presented herein.

II. Amendments**A. In the Specification**

The "RELATED APPLICATIONS" section of the specification of the present application is amended herein to provide the U.S. Patent Application Serial Number of a referenced application that was filed concurrently with the present application.

B. In the Claims

Claim 37 is amended herein to recite that the library of software functions are "stored to a computer-readable medium" for the sole purpose of ensuring that it is directed to proper

statutory subject matter in compliance with M.P.E.P § 2106. No new matter is presented by this amendment.

III. Claim Rejections under 35 U.S.C. § 102(e) over *Crossbie*

Claims 1, 10, 11, 13-18, and 37 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Crossbie*. Pursuant to 37 C.F.R. § 1.131, Applicant submits herewith a declaration that establishes prior invention of the subject matter of independent claims 1, 14, and 37 before the effective date of *Crossbie*. Accordingly, Applicant respectfully requests withdrawal of the outstanding rejection of independent claims 1, 14, and 37. Further, because each of claims 10, 11, 13, and 15-18 depend either directly or indirectly from one of independent claims 1 and 14, the rejection of those claims should likewise be withdrawn.

IV. Claim Rejections under 35 U.S.C. § 103(a) over *Crossbie* in view of other art

Claims 2-9, 19-36, and 38-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Crossbie* in view of *Drake*. Also, claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Crossbie* in view of *Drake* and further in view of *Maloney*. Applicant respectfully traverses these rejections under 35 U.S.C. § 103 based on *Crossbie*. 35 U.S.C. § 103(c) provides:

(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

According to the current Office Action, *Crossbie* qualifies as prior art only under 35 U.S.C. § 102(e). Further, at the time the claimed invention of the present application was made, such claimed invention, as well as the subject matter of *Crossbie*, were both subject to an obligation of assignment to Hewlett-Packard Company. Accordingly, an obviousness rejection of the claims of the present application based on *Crossbie* is improper because 35 U.S.C. § 103(c) provides that *Crossbie* “shall not preclude patentability under” 35 U.S.C. § 103.

In view of the above, Applicant respectfully requests withdrawal of the outstanding rejection of claims 2-9, 12, 19-36, and 38-39.

V. Conclusion

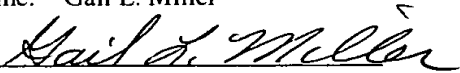
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No.: 08-2025, under Order No. 10013502-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Label No. EV 256029337US in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, Alexandria, VA 22313.

Date of Deposit: February 18, 2004

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Respectfully submitted,

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